

IN THE UNITED STATES DISTRICT COURT OF THE SOUTHERN DISTRICT OF ALABAMA, Mobile Division

UNITED STATES OF AMERICA,)	
Plaintiff,)	
VERSUS)	CIVIL ACTION NO. 3168-63.
BRANDON HOLLAND, et al,)	
Defendants)	

This cause came on to be heard in open Court at Mobile, Alabama, on December Fifth (5th), 1963, on the following:

1. Plaintiff's motion for a Preliminary Injunction filed on November Twelve (12th), 1963,
2. Motion to dismiss and amended motion to dismiss,
3. Motion for more definite statement of facts and
4. Oral motion for a severance made by the Attorney General of the State of Alabama.

Arguments are heard on the motions as more fully set out in Paragraphs 2 and 3 above and now, after consideration thereof,

It is ORDERED by the Court that the motions to dismiss and amended motion to dismiss and motion for more definite statement of facts are hereby DENIED.

Arguments are heard on the oral motion for a severance made by the Attorney General of the State of Alabama and now, after consideration thereof,

It is ORDERED by the Court that the oral motion for a severance made by the Attorney General of the State of Alabama, be, and the same hereby is, GRANTED as to BRANDON HOLLAND, Circuit Solicitor for the Fourth Judicial Circuit, State of Alabama; MARY ANN, County Solicitor for Dallas County, State of Alabama; J. C. G. M., Sheriff of Dallas County, State of Alabama; JAMES HARRIS, Judge for the Fourth Judicial Circuit, State of Alabama; W. H. DAVIS, Clerk of the Circuit Court of Dallas County, State of Alabama; ROBERT D. DAVIS, Foreman of the Grand Jury of the Circuit Court of Dallas County, State of Alabama. February 1963, on the one hand and the remainder of the Defendants on the other hand.

witnesses are examined, exhibits are offered in evidence and,
it is now ordered by the Court that the hearing on the plain-
tiff's motion for a preliminary injunction be, and the same heard,
is. postponed until 9 A.M. MONDAY, DECEMBER 9, 1963, at
NINE (9) O'CLOCK.

Made at Selma, Alabama, this 5th day of December A. D.,
1963.

WILLIAM H. THOMAS

CLERK OF THE DISTRICT COURT

U.S. DISTRICT COURT
SELMA, ALA.
FILED (RECEIVED) THIS 10th
SEP 1963 OF DECEMBER 1963
MINUTE BY NO. 15931
WILLIAM J. O'CONNOR, CLERK
BY:

Ali J. Rehm
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION

Filed Nov 12, 1963

UNITED STATES OF AMERICA,

Plaintiff,

v.

BLANCHARD MC LEOD, Circuit Solicitor
for the Fourth Judicial Circuit,
State of Alabama; HENRY REESE,
County Solicitor for Dallas County,
State of Alabama; JAMES G. CLARK,
JR., Sheriff of Dallas County,
State of Alabama; JAMES HARE, Judge
for the Fourth Judicial Circuit,
State of Alabama; M. H. HOUSTON,
Clerk of the Circuit Court of
Appeals of Dallas County; ROBERT D.
WILKINSON, JR., Foreman of the Grand
Jury of the Circuit Court of Dallas
County, State of Alabama, Fall Term
1963; DALLAS COUNTY CITIZENS COUNCIL;
LEON JONES, Chairman, Dallas County
Citizens Council; ROBERT RENTZ, Vice
Chairman, West Dallas, Dallas County
Citizens Council; G. R. BEERS, Vice
Chairman, South Dallas, Dallas
County Citizens Council; ARCHIE G.
WAUGH, Vice Chairman, North Dallas,
Dallas County Citizens Council;
COMER SIMS, Vice Chairman, Selma,
Dallas County Citizens Council; BILL
ARRINGTON, Secretary, Dallas County
Citizens Council; WILLIAM K. HICKS,
Treasurer, Dallas County Citizens
Council,

Defendants.

C O M P L A I N T

CIVIL ACTION NO. 3188-63

The United States of America alleges as its claims
against the defendants:

The United States of America alleges as its first claim against the defendants Blanchard McLeod, Henry Reese, James G. Clark, Jr., M. H. Houston, Robert D. Wilkinson, Jr., James Hare:

FIRST CLAIM

1. Plaintiff is the United States of America suing in its sovereign capacity to enjoin the defendants from commanding or attempting to compel, directly or indirectly, the appearance of officers or employees of the United States of America before the Grand Jury of the Circuit Court of Dallas County, State of Alabama.

2. This Court has jurisdiction of this action under 28 U.S.C. 1345.

3. The defendant Blanchard McLeod is the Circuit Solicitor for the Fourth Judicial Circuit, State of Alabama; defendant Henry Reese is the County Solicitor for Dallas County, State of Alabama; defendant James G. Clark, Jr., is the Sheriff of Dallas County, State of Alabama; defendant M. H. Houston is the Clerk of the Circuit Court of Dallas County, State of Alabama; defendant Robert D. Wilkinson, Jr., is the Foreman of the Grand Jury of the Circuit Court of Dallas County, Alabama; and James Hare is Circuit Judge for the Fourth Judicial Circuit, State of Alabama.

4. On November 4, 1963, defendant Houston issued subpoenas commanding the appearances before the Grand Jury of Dallas County on November 13, 1963, of Burke Marshall, John Doar, Arvid A. Sather (also subpoenaed as Arvid A. Saither), David H. Marlin (also subpoenaed as Dave Marland), Thelton Henderson,

Richard Wasserstrom, and Kenneth G. McIntyre. These subpoenas were sent to the Department of Justice, Washington, D.C. by registered mail on November 4, 1963, by defendant Clark, and were received in the Department of Justice on November 6, 1963.

5. Burke Marshall is the Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice. John Doar is the First Assistant to the Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice. Arvid A. Sather, David H. Marlin, Richard Wasserstrom and Kenneth G. McIntyre are attorneys in the Civil Rights Division of the Department of Justice. Thelton Henderson was an attorney in the Civil Rights Division of the Department of Justice until his resignation on November 6, 1963.

6. On October 17, 1963, Governor George C. Wallace of Alabama is reported to have stated that the Rev. Martin Luther King had been traveling throughout the State (of Alabama) in vehicles rented by the Justice Department and that this was a matter which should be called to the attention of the people of this country.

7. On October 28, 1963, William F. Thetford, the then Circuit Solicitor for the Fifteenth Judicial Circuit of Alabama, Montgomery County, Alabama, wrote a letter to Ben Hardeman, United States Attorney for the Middle District of Alabama, in which he made reference to the statement of Governor George C. Wallace of Alabama, referred to in paragraph 6 hereof, and stated that while there was no violation of State law involved, he was submitting such evidence as may be available to the November

Grand Jury as a matter of public interest and invited the Department of Justice to provide witnesses for the said Grand Jury proceedings.

8. On November 7, 1963, defendant McLeod publicly stated that the subpoenas referred to in paragraph 4 had been issued and that the principal business of the Dallas County Grand Jury, which was to meet on November 12, 1963, would be to investigate the role of the Justice Department in "racial unrest" in the area. Defendant McLeod further stated that the Grand Jury investigation stemmed from the charges that the Department of Justice had furnished transportation to the Rev. Martin Luther King, that he intended to let the American people know who are the leaders in fostering the activities of Martin Luther King, and that this was to be the main business of the Grand Jury, which would stay in session as long as necessary to get the facts.

9. On November 8, 1963, David H. Marlin of the Civil Rights Division of the Department of Justice was personally served in Selma, Alabama, with a subpoena commanding him to appear before the Grand Jury of the Circuit Court of Dallas County on November 13, 1963.

10. The Civil Rights Division of the Department of Justice is charged with the enforcement of the civil rights statutes of the United States, including the Civil Rights Act of 1957, 42 USC 1971, et seq. Burke Marshall, John Doar, Arvid A. Sather, David H. Marlin, Richard Wasserstrom and Kenneth McIntyre have been in the State of Alabama in recent months only in their official capacities as officers of the United States performing their

duties within the scope of their employment as attorneys in the Civil Rights Division of the Department of Justice.

11. The proposed investigation by the Dallas County Grand Jury on the bases stated herein, and the issuance of the subpoenas as aforesaid are:

- (a) in excess of the authority of such Grand Jury,
- (b) to obstruct, impede, and frustrate the Government of the United States in the proper enforcement of the laws of the United States,
- (c) usurpation of the power of the United States in the enforcement of its laws,
- (d) designed to harass the agents of the United States in the performance of their duties in the enforcement of the laws of the United States.

12. Unless the defendants are restrained and enjoined by this Court from commanding or attempting to compel the appearance of the aforementioned attorneys of the Civil Rights Division, the Grand Jury will proceed with its investigation and in excess of its authority will obstruct, impede, and frustrate the Government of the United States in the proper enforcement of the laws of the United States, will usurp the power of the United States in the enforcement of its laws, and will harass the agents of the United States in the performance of their duties in the enforcement of the laws of the United States.

13. Plaintiff has no adequate remedy at law in that injury to the United States is not measurable in damages, is irreparable, and cannot be compensated for by action at law.

SECOND CAUSE OF ACTION AGAINST BLANCHARD

MCLEOD, HENRY REESE, JAMES G. CLARK, JR.,

JAMES HARE, ROBERT D. WILKINSON, JR., DALLAS

COUNTY CITIZENS COUNCIL, LEON JONES, ROBERT

RENTZ, G. R. BEERS, ARCHIE G. WAUGH, COMER

SIMS, BILL ARRINGTON, WILLIAM K. HICKS.

14. The Plaintiff brings this action under 42 U.S.C. 1971(a), (b) and (c).

15. This Court has jurisdiction of this action pursuant to 1971(d) and pursuant to 28 U.S.C. 1345.

16. Blanchard McLeod is the Circuit Solicitor of the Fourth Judicial Circuit of Alabama which includes Dallas County. As such he is authorized to present matters to the Dallas County Grand Jury and to prosecute violations of the laws of Alabama occurring within Dallas County. He resides in Camden, Alabama, which is in Wilcox County, Alabama. He has been Circuit Solicitor since August 4, 1954.

17. Henry Reese is the County Solicitor of Dallas County and as such is authorized to prosecute violations of the laws of Alabama occurring within Dallas County. He resides in Dallas County.

18. James G. Clark, Jr., is the Sheriff of Dallas County, Alabama and as such is authorized to enforce the laws of Alabama within Dallas County. He resides in Dallas County. He has been Sheriff of Dallas County since November, 1955.

19. James Hare is the Circuit Judge for the Fourth Judicial Circuit, State of Alabama, which includes

Dallas County, Alabama. As such he is charged with the responsibility of ruling on civil and criminal matters that arise in Dallas County as well as impaneling and charging the Dallas County Grand Jury which is usually impaneled three or four times each year. He resides in Selma, Alabama. He has been Circuit Judge at all times pertinent to this Complaint.

20. Robert D. Wilkinson, Jr. is the foreman of the presently impaneled Dallas County Grand Jury of the Circuit Court of Dallas County. He resides in Dallas County. For at least the period October 23, 1961 to October 23, 1962, Robert D. Wilkinson, Jr. was a member of the Executive Committee of the Dallas County Citizens Council.

21. The Dallas County Citizens Council is an unincorporated association of white citizens, 18 years of age and over, of Dallas County. This association was first organized in November 1954. The announced purpose of the Dallas County Citizens Council was the banding together of white citizens to promote certain common objectives:

a. To consult and advise with the various boards, commissions, organizations, and officials, both public and private, to the end that friction between the races will be avoided.

b. To act as a sounding board and to investigate the submission of complaints, suggestions, and criticism relative to the treatment of individuals or groups in order that members of both races will be fairly treated and their legal rights protected.

c. To consult, counsel, and advise with the leaders and members of the colored race toward the equalization of public facilities, fair division of tax betterments, welfare, and other relief payments and the equitable division of public housing, school appropriations, and charitable donations.

d. To maintain, protect, and preserve by legal and peaceful means moral, and ethical separation of the races as is now provided by law and as is sanctioned by our usages, customs, training, and tradition.

e. To maintain states rights, segregation and racial integrity.

22. Leon Jones is the present Chairman of the Dallas County Citizens Council. Robert Rentz, G.R. Beers, Archie G. Waugh, Comer Sims, are the present Vice Chairmen of the Dallas County Citizens Council. Bill Arrington is the present Secretary of the Dallas County Citizens Council. William K. Hicks is the present Treasurer of the Dallas County Citizens Council. All of these defendants reside in Dallas County.

23. Under Alabama law registration for voting is a prerequisite to voting for any candidate for the office of President, Vice President, presidential elector, Member of the Senate and Member of the House of Representatives of the United States.

24. There are approximately 14,400 white persons and 15,115 Negro persons of voting age residing in Dallas County, Alabama. As of April 1, 1962, there were about 9,000 white persons and 240 Negro persons registered to vote in Dallas County.

25. During the period from at least 1952 through 1960 the Registrars of Dallas County, Alabama deprived

Negro citizens of Dallas County of their right to register to vote without distinction of race or color. From June 1954, shortly after the Supreme Court of the United States held that the practice of segregating public schools unconstitutional, through 1960, the Board of Registrars registered more than 2000 white persons and only 14 Negroes, and rejected for registration many highly-qualified Negroes, including school teachers with college and advanced degrees. Also, during this period the Dallas County Citizens Council was organized in November 1954, the purposes of which are set out in Paragraph 21 of this Complaint.

26. In September 1957, the Congress of the United States enacted into law the Civil Rights Act of 1957 authorizing the Attorney General to bring appropriate actions to protect Negroes against discrimination in the registration and voting processes by state and local officials and to prevent intimidation for the purpose of interfering with the right of Negroes to register and to vote freely in Federal elections.

27. During 1958 and 1959 pursuant to the authority granted to the Department of Justice by the Civil Rights Act of 1957, agents of the Federal Bureau of Investigation conducted limited investigations in Dallas County with respect to discrimination in the voting and registration processes.

28. In December 1958, the United States Commission on Civil Rights, an independent Federal agency established by the Civil Rights Act of 1957, investigated and held hearings with respect to racial discrimination

in the registration and voting processes in several Alabama counties, including Dallas County. In connection with these hearings the Commission subpoenaed the voter registration records in several Alabama counties, including the voter registration records of Dallas and Wilcox Counties, both of which are in the Fourth Judicial Circuit in Alabama. Under the supervision and direction of the defendants Hare and McLeod, the voter registration records of each of these counties were subpoenaed and impounded by the respective county grand juries and were not made available for inspection to the Commission on Civil Rights. The voter registration records of Hale and Perry Counties which are also in the Fourth Judicial Circuit, were subpoenaed and impounded by the respective county grand juries, at the direction of said defendants.

29. After extensive investigation in 1961 by agents and attorneys of the Department of Justice, the United States, on April 13, filed a Complaint under 42 U.S.C. 1971 against the State of Alabama and the sole remaining Registrar of the Dallas County Board of Registrars. The Complaint claimed that over a long period of time the Board of Registrars in Dallas County had discriminated against Negro citizens in the registration processes. Contemporaneous with the filing of the Complaint, the United States applied to the Court for an order for

inspection and copying of the registration records of the Board of Registrars of Dallas County since January 1952.

30. On May 18, 1961 in connection with the case filed against the Registrar in Dallas County, attorneys from the Department of Justice unsuccessfully attempted to take the discovery depositions of the Registrar and former Registrars of Dallas County. On instructions of the defense attorneys, including Defendant McLeod, the deponents refused to testify in the absence of a court order. Also, in May 1961, Registrar Majors resigned as the remaining member of the Board of Registrars in Dallas County and three new registrars were appointed and subsequently substituted as defendants in the case against the Dallas County Board of Registrars, United States v. Atkins, et al. These registrars were Victor B. Atkins, Joseph R. Bibb, and Aubrey C. Allen. Mr. Allen was formerly an officer of the defendant Dallas County Citizens Council.

31. On October 30, 1962, the motion of the United States for an order under Rule 34 providing for the inspection of voting records came on for hearing. The Government was ready to proceed and approximately 12 witnesses had been subpoenaed to testify. Prior to taking any testimony an agreement was reached whereby the United States would be permitted to photograph all registration records in the possession of the Dallas County Board of Registrars and the Court would take under submission the question as to the inspection

and photographing of voter registration records which the defendant McLeod represented were in the possession of the Dallas County Grand Jury. The photographing took place on November 13, 1962. At that time the defendant McLeod declined to make any records relating to transactions prior to December 15, 1958 available on the ground that on or about that date, a grand jury convened by the presiding Judge of the Circuit Court for Dallas County had subpoenaed all records then in the possession or under the control of the Board of Registrars, Judge of Probate and Tax Collector of Dallas County. The defendant McLeod represented to the United States at that time that the grand jury had been recessed a few days subsequent to the issuance of the subpoena and later discharged by the Circuit Judge who convened it. The defendant McLeod further stated that no action was taken by the grand jury and that no subsequent grand jury had directed the issuance of any subpoena for voter registration records; that the custody of the records under subpoena since December 1958 had been passed on to each successive grand jury and that when the grand jury was not in session he had the responsibility for maintaining custody and control of the records. On November 13, 1961 records subsequent to December 1958 were produced for inspection and photographing. There were only 12 or 14 rejected applications found prior to November 1961. On February 19, 1962 the District Court issued an order

wherein it found that the records between January 1, 1952 and December 19, 1958 were not in the actual or legal custody or control of the grand jury and ordered the defendants to permit the inspection and copying of these records. This was done by agents of the United States commencing on March 1, 1962.

32. On May 2, 3, and 4, 1962, the trial of United States v. Atkins, et al was held in Selma, Alabama. At the trial the proof showed that between 1952 and December 1960, 4500 white persons and only 88 Negroes were registered and that only 14 Negroes were registered from May 1954 to December 1960. The proof also showed that from June 1961 until April 1962, 480 white persons and 114 Negroes had applied to register. Of these, 443 of the white persons were registered and 71 Negroes were registered. On November 15, 1962, the District Court in its Findings and Conclusions held that prior registrars of Dallas County had engaged in a pattern and practice of discrimination; and that the present Board had not discriminated. The Court declined to issue an injunction except to order the present Board of Registrars to permit rejected applicants to reapply for registration.

33. In November 1962, the Dallas County Voters League, an organization of Negro citizens of Dallas County which was formed for the purpose of encouraging Negroes to register, requested the Student Non-Violent Coordinating Committee, an organization whose

purpose is to promote the interest and welfare of Negro citizens, to send a representative to Dallas County for the purpose of assisting them in holding voter registration clinics and teaching Negro citizens how to register to vote. And, on January 29, 1963 the Voters League began holding registration clinics for the purpose of interesting and assisting Negro citizens in becoming registered voters.

35. Beginning on May 14, 1963 the Dallas County Voters League and those working with it sponsored mass voter registration meetings for the purpose of encouraging Negro citizens to become registered voters. After June 17, 1963 these meetings were held almost on a weekly basis. In conjunction with these meetings the Dallas County Voters League and the Student Non-Violent Coordinating Committee printed and distributed material urging Negro citizens to attend the meetings and to become registered voters. Copies of some of this material is attached hereto and incorporated herein and are marked Exhibits A-L.

36. Deputy Sheriffs of Dallas County, under the supervision of defendant Clark, and members of the Selma police force were in attendance at these meetings. By use of radio equipment, tape recorders, and handwritten notes, agents of the defendant Clark reported to defendant Clark the details of these meetings. Defendant Clark and his agents also recorded the license tag numbers of automobiles parked near the meetings in order to determine who was in attendance.

37. On May 20, 1963 shortly after the mass meeting of May 14, approximately 38 Negroes applied for registration. Joseph Gildersleeve, then the Vice President of the Dallas County Voters League, was present at the Courthouse to assist Negroes in their efforts to register to vote. He was instructed by an agent of defendant Clark to leave the Courthouse, which he did.

38. On June 1, 1963, Bosie Reese, a Negro working under Bernard Lafayette's direction, passed out leaflets in the Negro community in Selma, Alabama, urging Negroes to register, on June 3, 1963. Reese was stopped by an agent of defendant Clark, Deputy Sheriff Crawford, and questioned as to his identity and purpose. Crawford obtained from Reese copies of the leaflets.

39. During the period since at least 1962, the Dallas County Citizens Council and its members, have placed ads in the Selma newspaper urging contributions to prevent wholesale Negro registration efforts in Selma, and have taken credit for limiting the number of persons at Negro voter registration meetings, and it has caused distribution of leaflets and placed ads in the paper urging white citizens not to answer questions by federal agents investigating voting privileges in Dallas County.

40. On June 11, 1963 at 11:00 p.m. Bernard Lafayette, while returning to his home in Selma, was

accosted by two unknown white men and struck several times in the head with a blunt object. The injuries required medical attention and six stitches. He immediately reported this incident to the city police and to the Federal Bureau of Investigation.

41. In June and July 1963 Bosie Reese, Alexander Brown and Bernard Lafayette, Negroes working in connection with the voter registration drive in Dallas County, were arrested on misdemeanor charges by and under direction of the defendant Clark and were required to post \$500 bail on each charge. All were subsequently prosecuted by defendant McLeod, and two, Lafayette and Brown were acquitted and Reese was convicted.

42. In connection with the arrests described in the preceding paragraph and the surveillance of the mass meetings described in paragraph 35, the United States brought an action under 42 U.S.C. 1971(a) and (b) against defendants Clark, McLeod, Henry Reese and against Dallas County, claiming that the arrests were intimidatory and were for the purpose of interfering with the right of Negro citizens freely to register and vote in Federal elections. Hearings were held on the motion of the United States for preliminary injunction on July 25 and October 15, 1963; the case has not been decided by the District Court.

43. On July 29, 1963 in the vicinity of the weekly mass meetings members of the Sheriff's office

ticketed for improper license tag lights approximately 30 Negro persons who were driving near the meeting or who were in attendance at the meeting.

44. In September 1963, Negroes in Dallas County began to engage in demonstrations to protest and eliminate segregation in public and private facilities. These demonstrations resulted in mass arrests in Selma, Alabama. After the mass arrests near the end of September 1963, the efforts of Negroes in Dallas County were channeled to peaceful picketing at the County Courthouse and to meetings and solicitations urging Negroes to register to vote.

45. From about September 25 to October 8, 1963 numerous Negro citizens were arrested by the Sheriff's office and the State police for picketing in the area around the Dallas County Courthouse. The pickets were carrying signs encouraging the registration of voters in Dallas County.

46. On September 30, 1963 the United States Court of Appeals for the Fifth Circuit reversed the decision of the District Court in the case of United States v. Atkins and ordered entry of an injunction against the current Board of Registrars to prohibit discrimination in the registration process.

47. On October 7, 1963, the first registration day in October, approximately 250 Negro citizens of Dallas County and approximately 10 white persons lined up at the Dallas County Courthouse to register to vote. The Board of Registrars received only about

30 applications that day. During the course of this day the defendant Clark and his agents refused to permit anyone to leave his place in line without forfeiting it, and also refused to permit anyone to bring food or water to the persons waiting in line. Two Negro citizens, Carber Neblett and Avery Williams, who attempted to bring food and water to those standing in line were arrested. Also, three Negro pickets holding voter registration signs and standing across the street from the Dallas County Courthouse on the steps of the Old Federal Post Office Building were arrested by defendant Clark.

48. Since October 15, 1963, through November 8, 1963 during which the Board of Registrars of Dallas County held consecutive registration days at the Dallas County Courthouse, many Negro and white citizens of Dallas County have attempted to register to vote. Although as many as 73 persons have presented themselves at the Courthouse to register on a given day, the Board of Registrars never permitted more than 47 persons to make application on any day, and since October 23, 1963 the Board has never permitted more than 29 persons to make application.

49. The voter registration meetings continued in Dallas County throughout October 1963, and speakers from outside the county addressed some of the meetings, including Martin Luther King, Jr., the head of the Southern Christian Leadership Conference, an organization whose purpose is to improve the

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status of Negroes and to eliminate segregation by non-violent means. King's speech on October 15, 1963 was attended by statewide publicity that he had been driven to Selma, Alabama, in a car rented by the Department of Justice. The Department of Justice initially denied this claim on the basis of misinformation. The fact was that an attorney of the Department of Justice, Thelton Henderson, had, without authority, loaned his rented car to an associate of King who then drove King from Birmingham to Selma in that car. On the night of November 5, 1963, the Department of Justice learned that the attorney in fact had loaned his rented car to an associate of Dr. Martin Luther King. This was publicly made known by the Department of Justice on the following day. On that day Henderson submitted his resignation and it was accepted. This use of the car at Government expense was unauthorized and the United States has been reimbursed for this expense by the attorney involved.

50. On November 2, 1963 the injunction in the case of United States v. Atkins, issued by the District Court on November 1, 1963 pursuant to the mandate of the Court of Appeals, was served on the Board of Registrars.

51. Since at least May, 1963 and continuing to the present date the following persons, acting in their capacities as attorneys for the Department of Justice have been present on occasion in Dallas County for the purpose of investigating and litigating possible violations of Section 1971(b) by various persons in Dallas County and for the purpose of advising Negro

and white persons of their rights and duties under 42 U.S.C. 1971: John Doar, Arvid A. Sather, Carl Gabel, David Marlin, Richard Wasserstrom, Thelton Henderson, and Kenneth McIntyre.

52. During May and June of 1963 some of the above-named attorneys were present in Dallas County for the purposes of investigating alleged acts of economic intimidation against Negro citizens, investigating alleged acts of intimidation by Sheriff Clark and Solicitor McLeod against workers in the Negro voter registration drive and advising people of their rights and duties under 42 U.S.C. 1971. Sather, Marlin, Doar and Wasserstrom were present in Dallas County for the purpose of interviewing potential Negro witnesses, assembling exhibits and securing other evidence relevant to the hearing on the motion of the United States for a preliminary injunction against Sheriff Clark and others, and presenting the case for the United States on that motion. Late in September 1963, several of the above-named attorneys were present in Dallas County for the purpose of observing the demonstrations and of determining whether there have been any violations of 42 U.S.C. 1971(b), and preparing for the remaining portion of the hearing on the motion for a preliminary injunction. And since October 7, 1963 at least one, and often two or more, of the above-named attorneys have been present continuously in Dallas County, and have been working out of the office space assigned in Selma to the United States Attorney. These attorneys have investigated possible violations of 42 U.S.C. 1971(a) and (b), and have in that connection interviewed numerous

Negro persons in Dallas County. They have also observed directly the conduct of voter registration activities in and about the Dallas County Courthouse. And they have advised citizens of their rights and duties under 42 U.S.C. 1971.

53. On November 4, 1963 the Dallas County Grand Jury, previously convened by defendant Hare, issued subpoenas to six attorneys from the Department of Justice and one former attorney of the Department of Justice. Also that Grand Jury issued subpoenas for at least 11 Negro citizens from Dallas County and outside Dallas County who had been active in the voter registration drive in Dallas County or had been in attendance or spoken at the mass meetings there. The purpose of this investigation, as announced by defendant McLeod, was to examine the role of the Department of Justice in the racial unrest in Dallas County. On November 3, 1963 one of these attorneys was personally served with this subpoena.

54. The defendants have threatened, intimidated, and coerced and attempted to threaten, intimidate and coerce Negro citizens of voting age of Dallas County, Alabama for the purpose of interfering with their right to register and to vote. Such threats, intimidation and coercions and attempted threats, intimidations and coercions presently known to the plaintiff are the following:

A. The Defendant James G. Clark, Jr.

1. Stationing Deputies inside each and every voter registration mass meeting and recording every

thing said by the speakers at the meetings as well as the names of many persons who attended the meetings.

2. Stationing large numbers of deputies and special deputies outside several of the mass meetings and copying the license numbers of automobiles of persons who attended the meetings.

3. Arresting, detaining, participating in the setting of unreasonable bail, and participating as a witness for the State of Alabama in criminal prosecution of Negro citizens who were engaged in voter registration activities in Dallas County.

4. Arresting, detaining, participating in the setting of unreasonable bail, and participating as a witness for the State of Alabama in criminal prosecution of Negro citizens who attempted, by peacefully picketing in small numbers at and near the Dallas County Courthouse, to urge all Negro citizens to register to vote.

5. On October 7, 1963, when a large number of Negro citizens went to the Dallas County Courthouse to register, issuing orders to his deputies and other police officers under his command that no person would be permitted to leave the registration line for any purpose without losing his place in line; stationing a large number of police along the registration line and preventing anyone from bringing food or drink, or from talking to the Negro citizens waiting in the line.

B. The Defendants McLeod and Hare:

1. Using the Dallas County Grand Jury to prevent the legitimate inspection of voter registration records of Dallas County by the United States Department of Justice and the United States Commission on Civil Rights.

C. The Defendant McLeod.

1. Prosecuting Negro voter registration workers, whom he knew to be such, on charges that he knows, or on the basis of a reasonable investigation could know, were baseless.

2. Causing subpoenas to be issued to Negro voter registration leaders of Dallas County, other Negro citizens from outside of Dallas County, and attorneys in the Civil Rights Division of the Department of Justice, to appear before a Dallas County Grand Jury for the announced purpose of conducting an investigation into the role of the United States Department of Justice in "fomenting racial unrest" in Dallas County, and other incidents in connection with "the Negro voter registration drive" in Dallas County.

D. The Defendants Hare, Wilkinson and Houston.

1. Using the Dallas County Grand Jury to harass Negro voter registration leaders of Dallas County, other Negroes, and Attorneys in the Civil Rights Division on the purported basis of investigating the role of the Justice Department in "fomenting

racial unrest" in Dallas County, and other incidents connected with "the Negro voter registration drive" in Dallas County.

E. The Defendants Dallas County Citizens' Council and the Defendants Jones, Rentz, Beers, Waugh, Sims, Arrington and Hicks.

1. Adopting and attempting to carry out a program to use economic sanctions against Negro citizens of Dallas County.

2. Adopting and attempting to carry out a program for citizens not to give answers to federal authorities to questions in regard to their registration experiences, and to seek the advise of the county judicial officers if questioned by federal authorities. As part of this program at the May 29, 1962 primary election, at most of the polling places throughout the county, voters were handed printed sheets of paper along with the ballot which urged the white voters to adopt the policy of not talking to federal agents about their registration or voting experience. Another example of this type of action by these defendants is illustrated by an advertisement in the Selma Times-Journal by the Dallas County Citizens' Council, dated October 13, 1963, a copy of which is attached hereto, marked Exhibit M, and is hereby referred to and made a part hereof as if it were set out at length herein.

3. Adopting and attempting to carry out as a program of the Dallas County Citizens' Council the following:

a. Frustration of federal court orders designed to eliminate discrimination on account of race in registration for voting.

b. Deterring Negro citizens of Dallas County from attending voter registration meetings.

c. Preventing wholesale Negro voter registration efforts in Selma, by a program which is set forth more fully in a full page advertisement by the Dallas County Citizens' Council, dated June 9, 1963, a copy of which is attached hereto, marked Exhibit N, and is hereby referred to and made a part hereof as fully as if it were set out at length herein.

4. Adopting and attempting to carry out a program of the Dallas County Citizens' Council by which the white citizens of Dallas County will resist the efforts of the United States Government in enforcing the Civil Rights Acts of 1957 and 1960. An example of this type of action by these defendants is illustrated by a full page advertisement in the Selma Times-Journal by the Dallas County Citizens' Council, dated August 25, 1963, a copy of which is attached hereto, marked Exhibit O, and is hereby referred to and made a part hereof as fully as if it were set out at length herein.

55. The acts and practices of the defendants as set forth in this complaint were without justification and were done and are being done to at-

)
tempt to threaten, intimidate and coerce Negro citizens of Dallas County, Alabama for the purpose of preventing, hindering, delaying and interfering with the right of such Negro citizens to register and vote.

56. Unless restrained by order of this Court the defendants will continue to engage in acts the same as or similar to those set forth herein.

WHEREFORE, plaintiff prays this honorable Court:

1. That the Court enter a restraining order, preliminary injunction, and permanent injunction restraining the defendants, McLeod, Reese, Clark, Houston, Hare and Wilkinson, their agents, servants, officers, employees, and attorneys and all persons acting in concert or participation with them from commanding or attempting to compel the attendance before the Grand Jury of the Circuit Court of Dallas County, Alabama, Fall Term 1963 on November 13, 1963, or any other day, of Burke Marshall, Assistant Attorney General, John Doar, First Assistant to the Assistant Attorney General, Richard Wasserstrom, Attorney, David H. Marlin, Attorney, Arvid A. Sather, Attorney, and Kenneth McIntyre, Attorney, attorneys of the Civil Rights Division of the Department of Justice, by any means, including, but not limited to, service or enforcement or attempts to enforce the subpoenas bearing the return date of November 13, 1963, previously issued,

2. That the Court issue a preliminary and permanent injunction restraining the Defendant Clark, his agents, employees, officers, and all persons acting in concert or participation with him from intimidating, threatening, coercing, or attempting to intimidate, threaten or coerce any person for the purpose of interfering with the right of that person or any other person to vote in Dallas County for candidates for Federal office, or punishing any person for having registered or attempting to register to vote and voting for such candidates, whether by arrest, threatening to arrest, holding in custody, prosecuting or attempting to prosecute any person, stationing deputies inside voter registration meetings, stationing deputies along voter lines, or by any other means.

3. That the Court issue a preliminary and permanent injunction restraining the defendants McLeod, Hare, Reese, Wilkinson and Houston, their agents, officers, employees and all persons acting in concert or participation with them from intimidating, threatening, coercing, or attempting to intimidate, threaten or coerce any person for the purpose of interfering with the right of that person or any other person to become registered to vote and to vote in Dallas County for candidates for Federal office, or punishing any person for registering or attempting to register to vote and vote for such

candidates, whether through the use of the Dallas County Grand Jury or through prosecuting or attempting to prosecute any person in the Courts of the State of Alabama.

4. That the Court enter a preliminary and permanent injunction restraining the defendants Dallas County White Citizens' Council and the defendants Jones, Rentz, Beers, Waugh, Sims, Arrington, and Hicks and their agents, employees, officers and all persons acting in concert or participation with them from intimidating, threatening, coercing or attempting to intimidate, threaten or coerce any person for the purpose of interfering with the right of that person or any other person to become registered to vote and to vote in Dallas County for candidates for Federal office, or penalizing any person for registering or attempting to register to vote and vote for such candidates, whether by use of economic sanctions against Negro citizens of Dallas County, soliciting funds for the purpose of interfering with the right of Negroes to register and to vote, by engaging in any act or practice designed to interfere, frustrate or obstruct Federal court orders issued to eliminate discrimination in registering and voting or by engaging in any act or practice to obstruct investigations by the agencies of the United States Government in enforcing the Civil Rights Act of 1957 or 1960, or by any other means.

That the Court grant such additional relief
as is or may be fair and equitable together with
costs and disbursements of this action.

NICHOLAS deB. KATZENBACH
Deputy Attorney General

VERNOL R. JANSEN
United States Attorney

D. ROBERT OWEN
Attorney
Department of Justice

DEPARTMENT OF JUSTICE
CIVIL RIGHTS DIVISION

Voting

UNITED STATES v. McLEOD

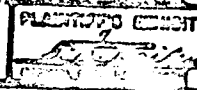
Pleadings

Pleadings - U.S. v. Blanchard McLeod, et al.
(Dallas County, Ala.) 1971-13-3

72-3-51

15,333

.... but we'll never turn back
SUPPORT:



Rev. L. L. Anderson

COME TO A ADMITTED
IN
EVIDENCE

Mass Meeting!

AT

TABERNACLE BAPTIST CHURCH
BROAD AT MINTER

TUES. NIGHT, May 14, 1963
AT 7:30 P. M.

GUEST SPEAKER:

MR. JAMES FORMAN,

Executive Secretary of Student Non-Violent
Coordinating Committee of Atlanta, Ga.
Sponsored by Dallas Co. Voters League.

"THIS IS OUR STORY"

A Voteless People Is A Hopeless People

GO REGISTER TO VOTE

MONDAY-MAY 20-JUNE 3rd 17

COME TO CLASSES ON TUESDAY AND
THURSDAY FROM 7:00 to 9:00 P.M.
31½ FRANKLIN STREET

For information call TR2-3759 or
TR2-2154

REGISTER AT THE COURTHOUSE - CORNER
ALABAMA AVE. AND LAUDERDALE ST.
ON THE FIRST FLOOR
FROM 8:00 AM UNTIL 4:00 P.M.

WHEN YOU GO DOWN CALL TR2-2154 or
TR2-3759

ARE YOU HOPELESS?

EXHIBIT B

MASS MEETING

FOR VOTER REGISTRATION

Mt. Zion Primitive Baptist Church

Selma, Alabama

June 24, 1963

Mrs. Marie Foster
Mistress of Ceremonies

Devotion.....Rev. A. C. Burke
Rev. P. D. Reese

Significance of Movement.....Rev. B. Lafayette

Songs

Songs & Selections.....Freedom Chorus

Introduction of New Field Workers..Mistress of Ceremonies

Mr. ~~James~~ Brown, Mr. ~~Robert~~ Howard, and Rev. Benry L. Tucker

Financial Appeal.....Rev. B. P. McDole

Mr. U. Blackmon & Mr. E. L. Doyle and Mr. P. L. Lindsey

Introduction of Guest Speaker.....Mr. Alexander Brown

Speaker.....Miss Ella Baker

Adviser Student Non-Violent Coordinating Committee...

Remarks.....Mrs. A. P. Boynton

Closing Song....."We Shall Overcome"

Benediction.....Rev. S. P. Power

Sponsor: Dallas County Voters League

EXHIBIT C

Mass Meeting!

Monday Night, June 17th-7 P.M.

**Brown Chapel A. M. E.
Church**

408 SYLVAN STREET

GUEST SPEAKER:

Rev. James Bevel

LEADER IN THE BIRMINGHAM MOVEMENT!

**Featuring: The Dallas County
FREEDOM CHORUS**

**"Register To Vote Now" Court House: June 17th,
July 1-5. 8:00 A. M. To 4:00 P. M.**

Sponsored By Dallas County Voters League.

"A VOTELESS PEOPLE IS A WORTHLESS PEOPLE"

ARE YOU WORTHLESS?

THEN VOTE! ! !

GO REGISTER TO VOTE AT THE DALLAS COUNTY COURT HOUSE, MONDAY, JUNE 17.

ALL MUST VOTE IF WE ARE TO BE FREE.

LET US VOTE FOR THE CANDIDATE OF OUR CHOICE.

LET US VOTE FOR THOSE WHO HELP US.

LET US STAND FOR THE RIGHTS WHICH WE HAVE SO LONG
BEEN DENIED.

Classes will be held at the Registration Clinics: Tabernacle Baptist
Church, Broad Street at Winter; Boynton Insurance Agency, 21 Franklin St.
every Tuesday and Thursday from 7:00 p. m. til 9:00 p. m.

Registration Office will be open
the First and Third Monday of each
Month at the Dallas County Court
House, Alabama at Lauderdale.

EXHIBIT B

MASS : MEETING!

To Be Held At The

First Baptist Church

CORNER JEFF DAVIS AVE. & SYLVAN ST.

GUEST SPEAKER



MRS. LOIS L. REEVES

Director of the YMCA & YWCA
of Tuskegee Institute

FEATURING - - GOOD SINGING
MONDAY NIGHT, JULY 1, 1963 - 7:00 P. M.
"Register To VOTE NOW" Court House: June 17th, July 1-5.
8:00 A. M. To 4:00 P. M.

.. Sponsored By Dallas County Voters League. ..

EXHIBIT F

U.S. DISTRICT COURT
SOU. DIST. TEX.
PLAINTIFF'S EXHIBIT NO. 39
10 15 6
24 06
Voter Registration Mass Meeting DATE:
To Be Held At The BY WILLIAM H. OF DALLAS, TEX.
First Baptist Church, Sylvan Street
July 1, 1963

FOR
IDENTIFICATION
CIVIL

ADMITTED
IN
EVIDENCE

Mrs. A. P. Boynton - Mistress of Ceremonies
Marvin Griffin - Organist

Devotion	-	-	-	Rev. L. L. Anderson & Rev. M. S. Hasty
Collections	-	-	-	Chorus
Voting & Registration Appeal	-	-	-	Gilbert Fortune 10-12
Selection	-	-	-	Chorus
Instructional Period	-	-	-	Mrs. Marie Foster
Song	-	-	-	Chorus
Financial Appeal	-	-	-	Rev. L. L. Anderson, Mr. U. Mackmon & Mr. C. C. Smith in charge
Introduction of Speaker	-	-	-	Mr. F. L. Hasty
Speaker	-	-	-	Mrs. Lois L. Brown Director of the INCA & INCA of Taskforce Institute
Selection	-	-	-	Audience
Remarks	-	-	-	Rev. Bernard Lafayette
Remarks	-	-	-	Rev. M. C. Cleveland
Benediction	-	-	-	Rev. M. C. Cleveland

Sponsored By The Dallas County Voters League

EXHIBIT G

M other Please !!
I'd Rather Do It Myself !!
Don't let tension get you down
If you are tired of being Dragged
BE SMART.... BE WISE...
REGISTER TO VOTE

JULY 1-5, 1963

SPECIAL REGISTRATION WEEK

8:00 A. M. - 4:00 P. M.

COUNTY COURT HOUSE
LAUDERDALE & ALABAMA

EXHIBIT H

FREEDOM

NOW

MASS MEETING!!

MONDAY NIGHT, JULY 8, 1963
7:30 P.M.

TABERNACLE BAPTIST CHURCH

BROAD AND MINTER

GUEST SPEAKER: ATTORNEY SOLOMON SEAY, JR.

OF

MONTGOMERY, ALABAMA

"THE TRUTH SHALL MAKE US FREE"
TOMORROW TOO LATE!

"If Voteless People is A Hopeless
PEOPLE"

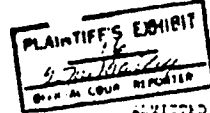
Go Register to Vote

ADMITTED
IN
EVIDENCE

Monday May 20th at the Court
10:00 AM. to 4:00 P.M. also Saturdays
from 9:00 A.M. to 4:00 P.M. also Saturdays

After you go and fill out the
Registration Form
Call → Tr. 2-2154 or 2-3789

"Are You Hopeless"



WHY IS VOTER REGISTRATION AND PARTICIPATION
THE RIGHT ROAD TO DIGNITY AND FREEDOM?

1. Our Country is a democratic republic where every citizen has the right to vote for the officials who operate the affairs of our government.
2. Your vote will put men of integrity in office; men who will do the things that need to be done to keep our country safe for democracy.
3. The Negro is the last hired and the first fired. Your vote will elect officials sympathetic to the poor man's social needs; men who will support legislation to increase welfare benefits, old age pensions, and other benefits necessary for survival.
4. Your vote will help to elect officials who are statesmen; officials aware of the employment situation in our state and who will work toward making the state attractive to industry, thus building a state economically strong.
5. Your vote will insure equal justice for your sons and daughters; you will naturally vote for Judges who make decisions according to the evidence presented in the case, and not a Judge who bases his decisions on the color of a man's skin.
6. Your vote today may be the difference between food on your table tomorrow; and an empty meal barrel.
7. Communism flourishes in a climate of unrest, confusion and chaos; statesmen at the head of our government will make democracy so attractive to the citizens of the United States until there will be no need to fear the doctrine of Communism; your vote will help to elect these statesmen.
8. Better jobs mean money in your pocket to spend for the everyday necessities of life; clothes, medicine, the money you need to educate your children. Your vote is an insurance for your future.
9. Your vote is an equalizer, when you cast your ballot it is counted as one vote; this is the one time that all Americans are equal regardless of race, social status, or position, his vote counts one just as yours.
10. Your vote is the key to unlock the gate to the promise land of dignity, freedom and equality; it is your insurance that government of the people, by the people, and for the people will not perish from the earth.

Courtesy of the Ninth Congressional District

Atty. Orzell Billingsley, Jr., Chairman
Mrs. Bernice C. Johnson, Coordinator
Miss Doris Nelson, Field Director

PLAINTIFF'S EXHIBIT
4 M. Butler
NATIONAL CHILD LABOR BOARD

WHY YOU SHOULD VOTE

A voteless people is a hopeless people; and a hopeless people is not quite people in relationship to the government and politicians which rule over them. This is because when you have no vote, you do not decide which schools your children will attend; you have no voice as to the quality of the schools which will be offered your children. When you stand before the bar of justice you are not likely to receive justice, for you had no voice in the election of the politician who now sits as the judge in judgment on your life and your property. Your streets are not paved, for you have no voice in the politicians who decide which streets to pave. Only those of our color wear prison stripes and work the streets of this city; only those of our color have no playgrounds, no swimming pools; all because YOU have not registered to vote.

As long as you will refuse to register to vote you will remain a ward of those who care less about you and those you love. This has been the situation in Selma for one hundred years; that is why that at this very moment your children receive second rate educations, you get second rate pay for first rate work, that justice is a child which you know not, that there are no police or sheriff deputies of the color as you and I. The list of deprivations is a long one, but, they need not be listed in their entirety for you have known them almost from the moment of your birth.

It was the Master who said, "Give unto Caesar that which is his, but give unto the Lord that which is His." You have served your God, but you have permitted Caesar to corrupt you and the soul which God gave you. It is past time that Caesar be put in his place. REGISTER TO VOTE. Do it at the earliest moment. This you owe to yourselves, your children, and to generation of all of mankind yet unborn.

Voter Education Classes

Every Tuesday and Thursday

at 21 Franklin Street from 7:00 to 9:00 P. M.

EXHIBIT L

STAND UP FOR YOUR CONSTITUTIONAL RIGHTS

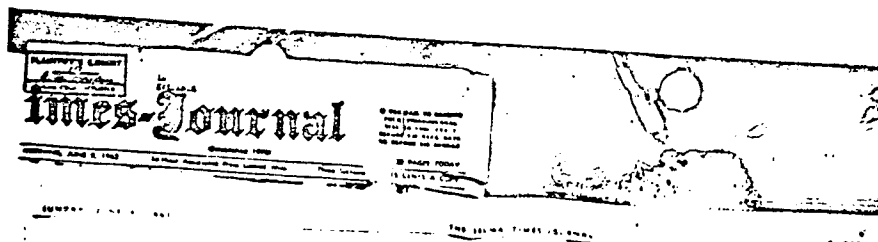
If at any time in the future an FBI Agent, Agent of the Civil Rights Commission or any agent of the Federal Government attempts to question you in regard to your voting privileges, We strongly urge that you answer NO questions. You are within your Constitutional Rights not to answer ANY questions and if you feel compelled to seek legal advice, Contact one of your County Judicial Officers.

DALLAS COUNTY CITIZENS COUNCIL

LEON JONES, CHAIRMAN

*Sebring Times
Journal*
10/13/63

EXHIBIT M



ASK YOURSELF THIS IMPORTANT QUESTION: What have I personally done to Maintain Segregation?

If the answer disturbs you, probe deeper and decide what you are willing to do to preserve racial harmony in Selma and Dallas County. Is it worth four dollars to prevent a "Birmingham" here? That's what it costs to be a member of your Citizens Council, whose efforts are not thwarted by courts which give sit-in demonstrators legal immunity, prevent school boards from expelling students who participate in mob activities and would place federal referees at the board of voter registrars.

Law enforcement can be called only after these things occur, but your Citizens Council prevents them from happening.

Why else did only 350 Negroes attend a so-called mass voter registration meeting that outside agitators worked 60 days to organize in Selma?

Gov. Wallace told a state meeting of the council three weeks ago: "You are doing a wonderful job, but you should speak with the united voice of 100,000 persons. Go back home and get more members."

Gov. Wallace stands in the University doorway next Tuesday facing possible ten years imprisonment for violating a federal injunction.

Is it worth four dollars to you to prevent sit-ins, mob marches and wholesale Negro voter registration efforts in Selma?

If so, prove your dedication by joining and supporting the work of the Dallas County Citizens Council. Your \$4.00 will make it you and your wife, members of an organization which has kept Selma out of the ranks of racial harmony since Black Monday.

Send Your Check To
THE DALLAS COUNTY
Citizens Council

SELMA, ALABAMA
YOUR MEMBERSHIP IS GOOD FOR 12 MONTHS

EXHIBIT N

READ JUST A FEW NEWS REPORTS

coming from the negro community in recent weeks
and you can quickly understand the grave situation
facing Selma, Dallas County and the entire country



**Federal Attorney
Here For Probe**

A federal grand jury will convene here today to probe the activities of the Southern Christian Leadership Conference (SCLC) in the Selma area. The grand jury, headed by U.S. District Judge James H. Jones, will hear testimony from witnesses who have been subpoenaed to appear before it. The SCLC has been accused of inciting violence and disrupting the peace in the area.

**Thomas Presides In
Federal Court**

Judge Daniel R. Thomas was presiding today in U.S. District Court over the trial of the two men charged with the murder of Dr. Martin Luther King Jr. in Memphis, Tenn. The trial is being held in Selma, Ala., and is expected to last several weeks. The two men, James Earl Ray and Raymond J. Ramsey, are charged with the first-degree murder of Dr. King.

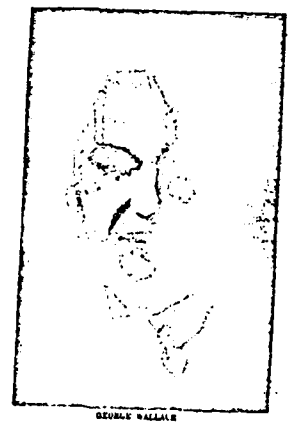
The meeting was held in the presence of a large number of people, including many members of the local community. The meeting was held in the Selma area, and it was a significant event in the ongoing struggle for civil rights. The meeting was held in the presence of a large number of people, including many members of the local community.

now in view of even greater integration Assaults based on the
Kennedy brother's civil rights legislation pending in congress
Stand Up for The Citizens Council
COME! HEAR!

GOVERNOR
George C. Wallace

SPEAK at the COUNCIL'S ANNUAL MEETING
MEMORIAL STADIUM **AUG. 29th**

BARBECUE \$1.00—SERVING BEGINS 7 P.M.—SPEECH 7:45 P.M.



Come and help support Governor Wallace! He has created a new image for the South and has alarmed the nation to the threat of an all powerful central government and has aroused the hopes of the people for a return to States Rights and a free democracy of our forefathers.